

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAY 30 AM 9:53

UNITED STATES OF AMERICA,

Plaintiff,

v.

Pedro PAEZ-Chavez,

Defendant

) Magistrate Docket No. **'08 MJ 1706**
)
)
) **COMPLAINT FOR VIOLATION OF:**


) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States
)
)
)

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **May 28, 2008** within the Southern District of California, defendant, **Pedro PAEZ-Chavez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **30th** DAY OF **MAY 2008**.


Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

suf

CONTINUATION OF COMPLAINT:**Pedro PAEZ-Chavez****PROBABLE CAUSE STATEMENT**

On May 28, 2008, Border Patrol Agent J. Gehrich was working line watch operations in the Imperial Beach Border Patrol Station area of operations. At approximately 9:00 P.M., Agent Gehrich responded to a seismic intrusion device in an area known as "Smuggler's." A National Guard Scope Operator notified agents of four individuals heading north in "Smuggler's." This area is approximately three miles west of the San Ysidro, California, Port of Entry and approximately 100 yards north of the United States/Mexico international boundary.

Agent Gehrich conducted a brief search and found one of the individuals attempting to hide in the brush. Agent Gehrich identified himself as a United States Border Patrol Agent and questioned the subject as to his citizenship and nationality. The individual later identified as **Pedro PAEZ-Chavez**, admitted to being a citizen and national of Mexico not in possession of any immigration documents to enter or remain in the United States legally. The subject was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on May 23, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant stated he was going to Escondido, California.